

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-000723

11/19/2007

HONORABLE JOSEPH C. WELTY

CLERK OF THE COURT
D. McGraw
Deputy

IN RE THE MARRIAGE OF
SHAUNA M CASTORENA

SHAUNA M CASTORENA
7246 W JUDY LYNN LN
PEORIA AZ 85382

AND

CHRISTOPHER A CASTORENA

CHRISTOPHER A CASTORENA
2024 MAIN ST
TAYLOR AZ 85939

FAMILY COURT SERVICES-CCC

HEARING

1:33 p.m. (CCB-Courtroom 603) This is the time set for Evidentiary Hearing on Mother's Petition to Modify Child Custody, Parenting Time and Support and Father's Petition to Modify Child Custody, Parenting Time and Support. Petitioner/Mother is present on her own behalf. Respondent/Father is present on his own behalf.

A recording of this proceeding is made by CD recording utilizing "For The Record" (FTR) in lieu of a court reporter.

The Court notes that the parties reached a complete agreement at the time of the Parenting Conference held on October 16, 2007.

Sauna M. Castorena and Christopher A. Castorena are sworn and testify.

THE COURT FINDS the parties have knowingly, voluntarily and intelligently entered into the agreement. The agreement is in the best interest of the children.

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Pursuant to Rule 69 of the Arizona Rules of Family Law Procedure, the agreement having been made in open Court,

THE COURT FINDS it is binding on the parties as entered on the record.

IT IS ORDERED adopting the parties' agreement as final orders of the Court. These orders shall remain in effect until further order of the Court.

CUSTODY AND PARENTING TIME

Pursuant to the agreement of the parties,

IT IS ORDERED that the parties shall share joint legal custody of the minor children, Jonathan Castorena (DOB: 6/5/2000), Kimberly Castorena (DOB: 8/12/2002), and Gabriel Castorena (DOB: 8/12/2002).

IT IS FURTHER ORDERED designating Mother as the primary residential parent.

IT IS FURTHER ORDERED that Father shall have parenting time with the minor children every other weekend from Friday after school until Sunday at 4:00 p.m.

IT IS FURTHER ORDERED that Father shall have the children in his care for five non-consecutive weeks during the summer months. Father may have the children in his care for a two-week period and return the children to Mother for one week.

IT IS FURTHER ORDERED that the minor children shall be in Mother's care at all other times unless otherwise specified

IT IS FURTHER ORDERED that transportation will be primarily provided by Father. One weekend per month the parties shall exchange the children at the McDonald's restaurant in Fountain Hills with Mother transporting the children to Fountain Hills. On the other weekends, the parties shall exchange the children at the paternal grandparents.

IT IS FURTHER ORDERED that each parent may schedule a seven-day vacation period with the children, not to include the summer months. The parents shall negotiate the details of their vacation time at least seven days in advance. The parent planning the vacation with the children shall provide the other parent with an itinerary of travel dates, destinations, telephone numbers and places where the children may be reached during the trip.

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IT IS FURTHER ORDERED that each parent may have telephone contact with the children the children's during normal waking hours.

IT IS FURTHER ORDERED that the parents may change their parenting time plan upon mutual agreement with at least two days notice to the other parent.

HOLIDAY SCHEDULE (*takes priority over the regular parenting-time schedule*)

Three-day weekends: (such as Civil Rights Day, Columbus Day, Presidents' Day, Veteran's Day, etc.) The children will remain in the care of the parent who has the children for the weekend. If the holiday falls on a Friday, then the pick up time will be Friday after school and if the holiday falls on a Monday, the return time will be 4:00 p.m.

Easter: The children will be in Father's care every year from 8:00 a.m. until 2:00 p.m. and in Mother's care every year from 2:00 p.m. until the following morning.

Mother's Day: The children will be with Mother every year from 8:00 a.m. until 6:00 p.m.

Father's Day: The children will be with Father every year from 8:00 a.m. until 6:00 p.m.

Children's Birthdays: Father may have the children on their actual birthday every year so long as it doesn't conflict with school.

Parent Birthdays: Each parent may have the children on his/her birthday, if he/she desires.

Thanksgiving: The children will be in Mother's care during odd-numbered years and in Father's during even-numbered years from Wednesday after school until Sunday at 4:00 p.m.

Christmas Eve: The children will be in Mother's care every year from 8:00 a.m. until 6:00 p.m.

Christmas Day: The children will in Father's care every year from 6:00 p.m. on Christmas Eve until Christmas Day at 8:00 p.m.

Winter Break: The children will be in Mother's care from the last school day until Christmas Eve at 6:00 p.m. and in Father's care from Christmas Eve at 6:00 p.m. until the Saturday before school resumes at 4:00 p.m.

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Memorial Day: The children will in Father's care in odd-numbered years and in Mother's care in even-numbered years from Friday after school until Monday at 4:00 p.m.

Halloween: The children will be in Father's care during even-numbered years and in Mother's care during odd-numbered years from 5:00 p.m. until 8:00 p.m.

4th of July: The children will in Mother's care during even-numbered years and in Father's care in odd-numbered years from 8:00 a.m. until 10:00 p.m.

Spring Break: The children will in Father's care every year from Friday after school until the following Saturday at 4:00 p.m.

Parental Access to Records and Information:

Pursuant to A.R.S. §25-403 (A-C), "Unless otherwise provided by court order or law, on reasonable request both parents are entitled to have equal access to documents and other information concerning the child's education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of the records or from the other parent. A person who does not comply with a reasonable request shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to force compliance with this subsection. A parent who attempts to restrict the release of documents or information by the custodian under this subsection without a prior court order is subject to appropriate legal sanctions."

Educational Arrangements:

Both parents have the right to participate in school conferences, events, and activities, and the right to consult with teachers and other school personnel.

The parents will make major educational decisions together.

Medical and Dental Arrangements:

Both parents have the right to authorize emergency medical/dental treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the children, to cooperate on health matters pertaining to the children and to keep one another reasonably informed regarding the status of their children's health. Both parents agree to keep each other informed as to names, addresses, and telephone numbers of all medical/dental care practitioners.

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The parents will make all major medical and dental decisions together, except for emergency situations as noted herein.

Religious Education Arrangements:

Each parent may take the children to a church or place of worship of his/her choice during the time the children are in his/her care.

Additional Arrangements:

Each parent will inform the other parent of any change of address and/or phone number in advance of the change.

Both parents agree that each will promptly inform the other of any emergency or other important event involving their children.

The parents will consult and agree with one another regarding any extra activity that affects the children's time with the other parent.

Each parent agrees that all communications regarding the children will be between the parents and that they will not use the children to convey information or to make changes to the parenting plan.

Each parent agrees to encourage love and respect between the children and the other parent. Neither parent shall do anything which may undermine the other parent's relationship with the children.

The parents will work cooperatively to develop future plans in the best interests of their children and to amicably resolve any disputes that may arise regarding their children's care.

If either parent is unable to honor or to meet their parenting-time responsibilities, that parent will notify the other parent as soon as possible.

The parents agree to consider each other as care provider for the children before making other arrangements.

If the parents cannot reach a mutual agreement regarding a legal change to their parenting time orders, they may petition for mediation through the Court or hire a private mediator to attempt to resolve any issues in dispute.

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The parents agree to review the terms of their joint legal custody agreement and make any necessary or desired changes every 12 months from the date of entry of this order.

MISCELLANEOUS CUSTODY/PARENTING TIME ORDERS

1. Neither parent shall expose the child(ren) to any incidents of domestic violence or extreme or hostile conflict or language. Neither parent shall expose the child(ren) to derogatory comments about the other parent or the relatives or friends of the other parent. The parents shall neither argue nor insult each other in the presence of the child(ren) or allow a third party to do so. Neither parent shall frighten the child(ren) by saying things such as that the other parent is trying to take him/her away, the other parent does not love him/her, want to see him/her, or is interfering with visits.

2. The parents shall not discuss custody, parenting time or child support issues in the presence of or with the child(ren). The parents shall ensure that the child(ren) are not exposed to any discussion of custody disputes or legal proceedings other than to assure the child(ren) that the parents are trying to work out appropriate arrangements so that the children can have frequent and regular access to both parents.

3. The parents shall not question the child(ren) about where he/she wants to live. The parents shall not question the child(ren) about the personal life of the other parent. The parents shall not express to the child(ren) how angry they are at the other parent, how they doubt the trustworthiness of the other parent or how hurt or frustrated they are by the actions of the other parent.

4. The parents are encouraged to communicate by e-mail and/or facsimile. Except for minor questions or emergencies, the parents are to afford each other reasonable time to consider and respond to requests or inquiries. However, e-mail and/or facsimile communications should be responded to within 24 hours. If the parents do not have e-mail or fax available to them, telephonic communication is allowed.

5. Each parent is restrained from using or permitting others to use the child(ren) to convey oral or written messages between households. Communications should take place directly between adult household members and the child(ren) should be protected from involvement in adult issues, for example, changes in the parenting time schedule.

6. Neither parent shall treat the child(ren), or allow the child(ren) to be treated by any third party in the home, in a different manner than they treat the other children in the home, simply because the child(ren) has a relationship with the other parent or spends time with the other parent.

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7. The child(ren) shall have phone access to both parents at all times. The child(ren) shall be given privacy during phone calls and there shall be no interference with phone access.

8. Both parents shall be listed as emergency contacts on any such forms that require contact information such as, but not limited to, education, activities, childcare and/or medical providers.

9. During exchanges, the parties shall make every effort to be polite and respectful to each other. Interaction between the parents shall be restricted to the orderly exchange of the child(ren). The parents are not to use the exchanges of the child(ren) or other circumstances in which the child(ren) are present to share information with one another, make requests of one another, engage in negotiations, or related activities.

10. Pursuant to A.R.S. § 25-403.06, unless otherwise provided by Court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the child(ren)'s education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of such records or from the other parent.

11. No petition to modify the existing Court orders regarding custody and parenting time shall be filed without the parties first attempting to resolve their dispute through Conciliation Services or private mediation.

Pursuant to the recommendations set forth in the Conciliation Services Parenting Conference Report,

IT IS ORDERED that both parties shall separately attend and complete the High Conflict Parent Class within 60 days of the date of this order. Each party shall contact Conciliation Services at (602) 506-3296 to register for a class. Upon completion of the class, each party shall file the original Certificate of Completion with the Clerk of the Court to demonstrate compliance with the court's orders.

IT IS FURTHER ORDERED that the parties shall participate in age-appropriate parenting classes. Upon completion of the class, each party shall file the original Certificate of Completion with the Clerk of the Court to demonstrate compliance with the court's orders.

CHILD SUPPORT

Discussion is held regarding child support.

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THE COURT FINDS that the relevant financial factors required to be included, and the discretionary allowances and adjustments which the Court will allow, for a current calculation of child support pursuant to the Arizona Child Support Guidelines are set forth in the Child Support Worksheet which the Court hereby incorporates and adopts as its findings with respect to child support.

As set forth in the Child Support Worksheet prepared by the Court,

THE COURT FINDS Father's imputed gross monthly income is \$3,333.00 and Mother's gross monthly income is \$2,916.00; there are no child care costs; there are no health care costs; and Father receives a parenting time adjustment for 101 days in the amount of \$214.77.

IT IS ORDERED that Father shall pay to Mother as and for child support the sum of \$496.74 per month, payable through the Support Payment Clearinghouse on the 1st day of each month commencing February 1, 2008, by Wage Assignment. The Court notes that the parties have agreed that Father's child support obligation commences February 1, 2008.

IT IS FURTHER ORDERED approving and settling the formal written Order of Assignment signed by the Court this date.

IT IS FURTHER ORDERED that when Father becomes employed he is complete the attached Current Employer Information form and provide it to the Court immediately.

Until the wage assignment becomes effective, it is the responsibility of the party obligated to pay child support to pay the support to **Support Payment Clearinghouse, P. O. Box 52107, Phoenix, Arizona 85072-2107**. The payment should show the case number and/or ATLAS case number and the name of the party paying support and the name of the party who will receive the payment.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

IT IS FURTHER ORDERED that all medical, dental and orthodontia expenses incurred for the health and protection of the children not covered by insurance shall be paid 50% by Father and 50% by Mother.

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IT IS FURTHER ORDERED that if either party requests reimbursement from the other for any uncovered healthcare expenses for the children, the request together with the proof of payment shall be submitted to the other party within 30 days of the expense being incurred and reimbursement made within 30 days thereafter. Failure to submit a claim within a timely fashion waives the claim.

IT IS FURTHER ORDERED that Mother shall be entitled to utilize the federal tax exemption applicable to the parties' child, Gabriel, for all federal and state income tax purposes each year hereafter, and she shall be entitled to utilize the federal tax exemption applicable to the parties' child, Jonathan, for all federal and state income tax purposes in all even-numbered years.

IT IS FURTHER ORDERED that Father shall be entitled to utilize the federal tax exemption applicable to the parties' child, Kimberly, for all federal and state income tax purposes each year hereafter, and he shall be entitled to utilize the federal tax exemption applicable to the parties' child, Jonathan, for all federal and state income tax purposes in all odd-numbered years. Father shall be entitled to utilize the federal tax exemptions so long as he is current in the payment of all court ordered child support obligations for the current calendar year and any court ordered arrearage payments due during that calendar year by December 31 of each year. If these conditions are met, Mother shall execute the necessary IRS forms to transfer the exemptions to Father. If not, Mother shall be entitled to claim the exemptions.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

2:06 p.m. Matter concludes.

LATER:

LET THE RECORD REFLECT the courtroom clerk has updated Respondent/Father's address in ICIS as reflected on the Updated Address Information form filed this date.

/ s / HONORABLE JOSEPH C. WELTY

JUDICIAL OFFICER OF THE SUPERIOR COURT

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All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

Attachments:

CHRISTOPHER A CASTORENA: Current Employer Information